



# DELAWARE NUTRIENT MANAGEMENT

2320 S. DuPont Highway  
Dover, DE 19901  
1-800-282-8685 (DE Only)  
(302) 698-4500



Website: [www.state.de.us/deptagri](http://www.state.de.us/deptagri)  
Email: [nutrient.management@state.de.us](mailto:nutrient.management@state.de.us)  
Fax: (302) 697-6287

## The Delaware Nutrient Management Commission Minutes of the Full Commission Meeting Held July 11, 2006

### In attendance:

<i>Commission Members Present</i>	<i>Ex-officios Present</i>
W. Vanderwende, Chair	W. Rohrer
B. O'Neill	<i>Others Present</i>
R. Sterling	M. Cooke, DAG
K. Blessing	K. Foskey
R. Baldwin	M. Lee
C. Larimore	S. Kepfer
M. Adkins	J. Timmons
E. Lewandowski	J. Mack
A. Johnson	B. Coleman
C. Solberg	K. Donnelly
<i>Commission Members Absent</i>	P. Sample
D. Baker	J. Duke
T. Keen	B. Schilling
C. West	
J. Manchester	

*This meeting was properly notified and posted as required by 29 Del. C. §10004 et al.*

### Minutes:

### Call to Order/Welcome:

Chairman B. Vanderwende called the meeting to order at 7:00 p.m. and welcomed everyone in attendance. B. Vanderwende introduced A. Johnson and K. Blessing, new Commissioners of the DNMC.

### Approval of Minutes:

B. Vanderwende noted the following correction to the May 19, 2006 Full Commission meeting:

- Page 4, Change May 9 to June 13. The sentence was corrected read: **W. Vanderwende asked if it would be necessary to hold the Full Commission meeting scheduled on June 13, 2006.**

E. Lewandowski motioned to approve the May 9, 2006 Full Commission meeting minutes as corrected. C. Larimore seconded the motion, which passed unanimously.

### Discussion and Action Items:

*University of Delaware Presentation on Land Owners Perception of Regulatory Programs (J. Dukes and M. Lee):*

J. Dukes and M. Lee provided a presentation a study in reference to water regulations in Delaware (attached to minutes). Facts and findings of the study were presented. Highlights of the presentation follows:

- Data collection took place the fall of 2005
- Sampling was done on Sussex County landowners with parcels of 5 acres or more
- There was a response rate of 46%
- 80% of those surveyed were familiar with Nutrient Management Policy
- 59% of those surveyed stated Nutrient Management was applicable
- 68% of the policy makers that were surveyed stated Nutrient Management was applicable
- The survey showed Nutrient Management as being more restrictive
- Overall, Nutrient Management Policies are communicated well to landowners
- Land owners are most familiar with Nutrient Management and less familiar with Water Quality Certification

R. Sterling reported he did not find Nutrient Management to be the least bit restrictive and does not understand where it is coming from unless it is from a poultry grower who cannot apply his own manure to his land due because his land is high in phosphorus. C. Larimore stated with Farm Bureau the concern relates to property rights, specifically advising landowners as to what they can and cannot do with their property. She further commented Nutrient Management has been based on education which answers why so many know about the program.

K. Donnelly agreed that Nutrient Management has done a fine job educating individuals.

#### *Rules and Regulations Update and Progress Report:*

B. Vanderwende reported the Rules and Regulations Subcommittee was scheduled to meet at 4:00 p.m. today. Since there was no quorum, the meeting was canceled. E. Lewandowski reported the Rules and Regulations Subcommittee has been rescheduled for July 19, 2006 at 5:30 p.m. which precedes the Technology Subcommittee which has been scheduled at 7:00 p.m.

#### *Consider Public Support for Perdue AgriRecycle Zoning Changes:*

B. Vanderwende reported the current permit only allows Perdue AgriRecycle to operate five days a week, 8:00 a.m. – 5:00 p.m. Perdue AgriRecycle has requested operation be extended 24-hours a day if need be. B. Vanderwende noted a temporary approval is in place. B. Vanderwende reported he spoke with B. Rohrer and suggested the Commission write a letter of support to the Sussex County Council as ask that all Commission members sign.

B. Rohrer reported the request includes allowing operation to 24-hours a day, 7 days a week, excluding loading and unloading on Sundays. B. Rohrer reiterated there is a temporary approval in place and there have been no or minimal complaints with the neighbors in the area.

C. Solberg asked for some additional information. B. Rohrer noted he had a copy of the Sussex County Council minutes and shared detail. B. Rohrer read the letter (attached to minutes) into the record.

B. Vanderwende asked B. Schilling to step forward. He reported B. Schilling is one of the original members of the Commissions. B. Vanderwende stated there was never any question as to where he stood, which is a very good attribute of any commission or board member. He further stated his input for the Commission has been greatly appreciated and he will be missed. B. Schilling stated he has enjoyed it. B. Vanderwende presented a plaque showing the appreciation of the Commission and read the inscription into the record. B. Schilling advised B. Rohrer if there was anything he could do to let him know.

**Subcommittee Reports:** NONE

#### **Administrator's Report:**

#### *Discuss EPA Modifications to CAFO Regulations:*

B. Rohrer provided the EPA Fact Sheet: Concentrated Animal Feeding Operations Proposed Rulemaking, June 2006 document (attached to minutes). He provided a brief background as it related to the 2<sup>nd</sup> Circuit Court. He reported EPA has made changes to the regulations and have been posted and are up for comments. One good thing about the regulations is the changes are only applicable to the decision that was made in the 2<sup>nd</sup> Circuit Court. He further stated the court ruling puts more emphasis on non-point source programs such as Delaware's. It provides the state program with more credit and more flexibility.

B. Rohrer reported the program has issued seven permits over the past year; two are individual CAFO permits and five are general permits. There is another in process of review.

B. Rohrer will provide a draft letter and present it to the Commission at the August 8, 2006 meeting. C. Solberg asked if it was contemplated receiving any problems with new Delaware facilities as it relates to the zero discharge component. B. Rohrer stated the court ruling and the regulations to eliminate to 100 year engineering requirements.

K. Donnelly noted there are some details in the proposal that need to be looked at specifically stockpiling and discharges.

B. Rohrer passed out the State Fair schedule for Commissioners to sign up. He also noted if any Commissioner needs a shirt to let him know.

*Complaints:* There have been five informal complaints since the May meeting and there is one open informal complaint.

*Budget:* B. Rohrer noted the new Fiscal Year has started and the budget amount is \$1,457,600. He further noted the third column shows funding remaining from the FY06 budget and will convene a meeting with the Budget Subcommittee to discuss recommendations.

*Nutrient Management Planning:* 91,956 total acreage to date with 81,504 plans (Private) and 10,452 plans (Public) for 2006.

*Nutrient Management Relocation:* 166,706 total tons relocated to date with 45,324 for 2006.

*Nutrient Management Audits:* Refer to the Administrator's Report attached.

*Certification:* There are 2,226 certifications.

*CAFO Update:* Refer to Administrator's Report attached.

*20% Mandate for 2006:* Refer to the Administrator's Report attached.

*Education and Outreach:* Refer to the Administrator's Report attached.

*Freedom of Information Act Request:* Refer to the Administrator's Report attached.

B. Rohrer provided an update on the Research and Demonstration projects. One project will not be done due to the anticipated outcome of the project. This is based on the fact that preliminary data proved to be very inconsistent. Therefore, an estimated \$20,000 in Research and Demonstration will be available.

G. Binford was able to conduct a successful project. The data is being compiled.

B. Coleman reported the Effective Setbacks project is planted with soybean this year and next year they will plant corn. He provided a detail of the project. Preliminary results should be completed soon and the project is on target.

B. Coleman reported the Utilization of Poultry Litter and finds it very exciting. This project will start late August.

B. Vanderwende reported on the current DNMC Subcommittees. He asked the following individuals to service as follows and they agreed:

- Technology Subcommittee: K. Blessing
- Budget Subcommittee: K. Blessing and A. Johnson
- Rules and Regulations Subcommittee: A. Johnson
- Industry Relations Subcommittee: M. Adkins, also serving on the Planning Subcommittee as all chairs service on this subcommittee

**Public Comments:** NONE

**Next Meeting:** The next meeting of the Full Commission is scheduled for August 8, 2006 at 7:00 pm.

**Adjournment:**

Chairman Vanderwende adjourned the meeting at 8:15 p.m.

Approved,

W. Vanderwende, Chairman

WRR/mrp